

AMENDED IN SENATE MAY 14, 2009

SENATE BILL

No. 472

Introduced by Senator Dutton

February 26, 2009

An act to add and repeal Sections 18154 and 24996 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 472, as amended, Dutton. Income and corporation taxes: *net* capital gains: exclusion.

The Personal Income Tax Law and the Corporation Tax Law provide that gain or loss upon the disposition of a capital asset is determined by reference to the adjusted basis of that asset.

This bill would, for taxable years beginning on or after January 1, ~~2009~~ 2012, and before January 1, ~~2012~~ 2015, provide that gross income does not include 50% of any *net capital* gain, *as defined*, from the sale or exchange of a capital asset, as defined, that is held for more than 3 years, *as specified*.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18154 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 18154. (a) For each taxable year beginning on or after January
- 4 1, ~~2009~~ 2012, and before January 1, ~~2012~~ 2015, gross income shall

1 not include ~~50 percent of any gain from the sale or exchange of a~~
2 ~~capital asset, as defined by Section 1221 of the Internal Revenue~~
3 ~~Code, that is held for more than three years.~~

4 ~~(b) This section shall remain in effect only until December 1,~~
5 ~~2012, and as of that date is repealed. 50 percent of any net capital~~
6 ~~gain.~~

7 ~~(b) For purposes of this section, “net capital gain” shall be~~
8 ~~defined by Section 1222 of the Internal Revenue Code, except that~~
9 ~~“net capital gain” shall be computed only for capital assets (as~~
10 ~~defined by Section 1221 of the Internal Revenue Code) purchased~~
11 ~~on or after the effective date of the act adding this section and that~~
12 ~~are held for more than three years.~~

13 ~~(c) This section shall remain in effect only until December 1,~~
14 ~~2015, and as of that date is repealed.~~

15 SEC. 2. Section 24996 is added to the Revenue and Taxation
16 Code, to read:

17 24996. (a) For each taxable year beginning on or after January
18 1, ~~2009~~ 2012, and before January 1, ~~2012~~ 2015, gross income shall
19 not include ~~50 percent of any gain from the sale or exchange of a~~
20 ~~capital asset, as defined by Section 1221 of the Internal Revenue~~
21 ~~Code, that is held for more than three years.~~

22 ~~(b) This section shall remain in effect only until December 1,~~
23 ~~2012, and as of that date is repealed. 50 percent of any net capital~~
24 ~~gain.~~

25 ~~(b) For purposes of this section, “net capital gain” shall be~~
26 ~~defined by Section 1222 of the Internal Revenue Code, except that~~
27 ~~“net capital gain” shall be computed only for capital assets (as~~
28 ~~defined by Section 1221 of the Internal Revenue Code) purchased~~
29 ~~on or after the effective date of the act adding this section and that~~
30 ~~are held for more than three years.~~

31 ~~(c) This section shall remain in effect only until December 1,~~
32 ~~2015, and as of that date is repealed.~~

33 SEC. 3. This act provides for a tax levy within the meaning of
34 Article IV of the Constitution and shall go into immediate effect.